

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EASTERN SAVINGS BANK, FSB,

Plaintiff,

-against-

BRENDA BRIGHT, et al.,

Defendants.
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MEMORANDUM & ORDER

11 **FILED** (ENV) (MDG)
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
JUN 27 2013 ★

BROOKLYN OFFICE

VITALIANO, D.J.

Plaintiff Eastern Savings Bank, FSB ("Eastern") brought this action against defendants Brenda Bright ("Bright") and Sperry Associates Federal Credit Union ("Sperry Associates") to foreclose on a mortgage on real property. On July 5, 2012, this Court granted plaintiff's motion for summary judgment against Bright and referred the matter to Magistrate Judge Marilyn D. Go for a Report and Recommendation ("R&R") to determine the amount of the judgment. On March 21, 2013, Magistrate Judge Go issued an R&R recommending the Court award plaintiff judgment against Bright in the amount of \$326,333.56 plus interest at a daily rate of \$66.62 from April 1, 2013, until the entry of judgment based on the following total damages: \$209,634.55 in principal, \$76,713.75 in interest on principal plus interest at a daily rate of \$59.96 from April 1, 2013 until the entry of judgment, \$27,017.47 in unpaid escrow advances, \$4347.10 in interest on the unpaid escrow and at a daily rate of \$6.66 from April 1, 2013 until the entry of judgment, \$3477.16 in late fees, \$3925.83 in attorney's fees and \$1217.70 in costs. Magistrate Judge Go also recommended default judgment be entered against Sperry Associates foreclosing its interest in the premises and that plaintiff be granted leave to file a motion to amend the judgment to seek additional attorney's fees after they are incurred. Plaintiff was directed to submit a proposed order of foreclosure and sale by April 8, 2013. They did so on April 1, 2013.

In reviewing a report and recommendation of a magistrate judge, a district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Further, a district judge is required to “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); see also Arista Records, LLC v. Doe 3, 604 F.3d 110, 116 (2d Cir. 2010). But, where no timely objection has been made, the “district court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s Report and Recommendation. Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Any objections to this order were to be filed by April 8, 2013. No objections have been filed. After careful review of the record, the Court finds the R&R to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court.

The Clerk of Court is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
June 24, 2013

s/ENV

ERIC N. VITALIANO
United States District Judge